

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

J. I. BROWN, JR. and DORIS J. BROWN

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:06cv0090DCB-JMR

**WAL-MART STORES, INC., THE UNITED
STATES DEPARTMENT OF VETERAN
AFFAIRS and JOHN DOE**

**DEFENDANTS/
THIRD-PARTY PLAINTIFFS**

VS.

SUPERBAG CORPORATION

THIRD-PARTY DEFENDANT

**AGREED ORDER OF DISMISSAL OF THIRD-PARTY COMPLAINT
WITHOUT PREJUDICE**

THIS DAY this cause came on for hearing on the *ore tenus* joint motion of the defendant/third-party plaintiff, Wal-Mart Stores East, L.P. (incorrectly designated as “Wal-Mart Stores, Inc.”)(hereinafter “Wal-Mart”), and third-party defendant, Superbag Corporation, to dismiss any and all claims of defendant/third-party plaintiff, Wal-Mart, without prejudice, and the parties having announced that this cause has been fully compromised and settled as between the defendant/third-party plaintiff, Wal-Mart, and third-party defendant, Superbag Corporation, and that there remain no issues to be litigated by or between the parties nor adjudicated and determined by the Court as between them, and the parties having consented to the entry of this Order and agreeing that defendant/third-party plaintiff’s claims should be dismissed without prejudice, and the Court being fully advised in the premises, finds that the joint motion to dismiss defendant/third-party plaintiff, Wal-Mart’s claims against third-party defendant, Superbag Corporation, without prejudice, is well taken and should be sustained.

IT IS, THEREFORE, HEREBY ORDERED AND ADJUDGED that the cause of action of defendant/third-party plaintiff, Wal-Mart, against the third-party defendant, Superbag Corporation, be and the same hereby is dismissed without prejudice.

SO ORDERED AND ADJUDGED, this the 30th day of April, 2007.

s/ David Bramlette
UNITED STATES DISTRICT COURT JUDGE

SUBMITTED AND APPROVED BY:

/s/ Philip A. Gunn
Philip A. Gunn, Esq.(MSB# 8581)
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Attorney for Defendant/Third-Party Plaintiff
Wal-Mart Stores East, L.P.
(incorrectly named as “Wal-Mart Stores, Inc.”)

/s/ Walker R. Gibson
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